

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
RICHLAND DIVISION

Veronica Townsend,

Plaintiff,

VS.

Columbia Sussex Corporation,

Defendant.

Civil Action No.: 3:21-cv-02104-MGL

NOTICE OF REMOVAL

Defendants Columbia Properties Columbia LLC and Columbia Sussex Management LLC (the real parties in interest), on behalf of themselves and Defendant Columbia Sussex Corporation (“Defendants”), through its counsel Christian Stegmaier and Kelsey J. Brudvig of Collins & Lacy, P.C., file this Notice of Removal in the above-captioned case to the United States District Court for the District of South Carolina, Richland Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Defendants would respectfully show unto this Honorable Court:

1. The above-entitled action was brought in the Richland County Court of Common Pleas by Plaintiff to recover from Defendants a judgment for actual and punitive damages for injuries that could be characterized as substantial, together with the cost and fees of this action. By virtue of these allegations, Defendants aver the jurisdictional threshold has been satisfied.
2. Plaintiff's Complaint is silent as to the amount in controversy. Although the Complaint does not specify the amount of damages sustained or pray for a specific sum, Plaintiff alleges that "as a direct and proximate cause" of the incident alleged in her Complaint,

“Plaintiff ... was greatly and severely injured in or about her person, to specifically include, but not limited to, her back; was rendered sick, sore, disabled, bruised and shocked thereby and continues so to be; that all such injuries have caused Plaintiff extreme and excruciating pain continuously to this date and the Plaintiff will continue to suffer such pain in the future.” (Compl. at ¶ 12). Plaintiff also claims that “as a direct and proximate cause” of the incident alleged in her Complaint, “Plaintiff was confined to the care and treatment of skilled practitioners of the healing arts and nurses; is presently being treated by such persons and will continue to receive treatment from them in the future; has expended large sums of money for such treatment and will be obligated to expend even more money in the future for such care and treatment; was deprived of gains, profits, salaries, pleasures and advantages and earning capacity and ability which the Plaintiff would have otherwise derived and acquired had it not been for the accident; has been put to great expense for medicine, drugs and medical attention; has expended large sums of money for transportation and will continue to have such expenses in the future and has been permanently impaired as a result of the accident.” (Compl. at ¶ 13). Moreover, counsel to Defendants have consulted with Plaintiff’s counsel regarding stipulation of damages less than the jurisdictional threshold; Plaintiff’s counsel advised that Plaintiff cannot stipulate to such damages. Based upon the above, Defendants submit there is sufficient evidence that the amount in controversy exceeds the jurisdictional threshold for removal.

3. This action was commenced by the service of a Summons and Complaint against Defendants, which was received by Defendants’ agent via process server on June 14, 2021. The deadline to remove this matter is July 14, 2021.

4. Defendant Columbia Sussex Management, LLC (the real party in interest) is a limited liability corporation organized and existing under the laws of the State of Kentucky and maintains servants, agents, and employees in, and doing business in Richland County, South Carolina. The members of Columbia Sussex Management, LLC are citizens and residents of a state other than South Carolina.
5. Defendant Columbia Properties Columbia LLC (the real party in interest) is a limited liability corporation organized and existing under the laws of the State of Delaware and maintains servants, agents, and employees in, and doing business in Richland County, South Carolina. The members of Columbia Properties Columbia LLC are citizens and residents of a state other than South Carolina.
6. Plaintiff is a citizen and resident of Florence County, South Carolina.
7. Defendants file herewith copies of all process, pleadings, and order served upon them in this action as part of this notice.
8. Defendants will file a copy of this Notice of Removal with the Clerk of Court for Richland County, South Carolina, and will serve a copy upon counsel for Plaintiff.

WHEREFORE, Defendants Columbia Properties Columbia LLC and Columbia Sussex Management LLC (the real parties in interest), on behalf of themselves and Defendant Columbia Sussex Corporation, prays this Honorable Court accept this Notice of Removal that is being filed and that this Honorable Court take jurisdiction of the above-entitled case and all further proceedings in said cause in the Court of Common Pleas, County of Richland, State of South Carolina be stayed.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,
COLLINS & LACY, P.C.

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ATTORNEYS FOR DEFENDANT
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NOTICE OF REMOVAL

July 14, 2021
Columbia, South Carolina